

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LYNETTE PETTY,

Petitioner,

vs.

PATRICIA CORNELL,

Respondent.

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Case No. 4:04CV01034 ERW
(AGF)

ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig [doc. #24] pursuant to 28 U.S.C. § 636(b).

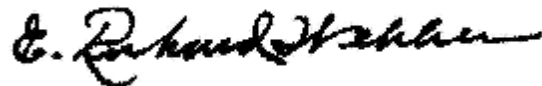
The Court notes that no objections were filed to the Report and Recommendation. After consideration of the issues, the Court hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation. In addition, the Court finds that Petitioner cannot make a substantial showing of the denial of a constitutional right, which is required before a certificate of appealability can issue. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Therefore, the Court shall not issue a certificate of appealability as to any claim raised in the Petition.

Accordingly,

IT IS HEREBY ORDERED that Lynette Petty's Petition for writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [doc. #1] is **DENIED**.

IT IS FURTHER ORDERED that the Court shall not issue a certificate of appealability as to any claim in Petitioner Johnson's § 2254 motion.

Dated this 31st day of July, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE